



Comptroller General  
of the United States  
Washington, D.C. 20548

## Decision

**Matter of:** D D Management Corporation

**File:** B-260801

**Date:** March 28, 1995

---

### DECISION

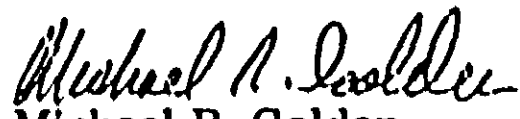
D D Management Corporation protests the rejection of its bid by the Department of the Army under solicitation No. DAKF24-95-B-0018. D D Management contends that its bid was improperly rejected for failure to submit a bid bond in the required amount because the agency did not provide adequate time to respond to the solicitation.

A bid bond is a form of security submitted to assure the government that a successful bidder will not withdraw its bid within the period specified for acceptance and, if required, will execute a written contract and furnish performance and payment bonds. See Federal Acquisition Regulation (FAR) § 28.001. The purpose of a bid guarantee is to secure the liability to the government for excess procurement costs in the event the successful bidder defaults by failing to execute the necessary contractual documents or to furnish the required payment and performance bonds. See FAR § 52.228-1(c); Imperial Maintenance, Inc., B-224257, Jan. 8, 1987, 87-1 CPD ¶ 34. Therefore, a guarantee submitted with a bid that is not the proper form and amount is properly rejected.

The protester argues that the agency did not allow it adequate time to submit a proper bid guarantee and it therefore should not have been rejected. D D Management contends that it diligently pursued a copy of the solicitation package but did not receive the solicitation until less than 1 business day prior to bid opening. D D Management timely submitted its bid.

This argument is untimely. Our Bid Protest Regulations contain strict rules requiring timely submission of protests. These rules specifically require that protests based upon alleged improprieties in a solicitation which are apparent prior to bid opening must be filed prior to bid opening. 4 C.F.R. § 21.2(a)(1); Manatts, Inc., B-237532, Feb. 16, 1990, 90-1 CPD ¶ 287. D D Management should have protested prior to the March 6, 1995 bid opening.

The protest is dismissed.



Michael R. Golden  
Acting Associate General Counsel